

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC., et al.,

Defendants.

No. 18-CV-2293 (FLW)(ZNQ)

MOTION DATE: May 3, 2021

ORAL ARGUMENT REQUESTED

**DEFENDANT JOHN STETSON'S NOTICE OF MOTION TO DISMISS
THE CONSOLIDATED SECOND AMENDED CLASS ACTION
COMPLAINT**

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Attorneys for Defendant John Stetson

PLEASE TAKE NOTICE that on May 3, 2021, or at such other date as may be set by the Court, Defendant John Stetson, by and through counsel, will move the Court for an Order pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b), dismissing with prejudice the Consolidated Second Amended Class Action Complaint.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice, the accompanying Declaration of Daniel Walfish and the Exhibits attached thereto, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

Dated: February 8, 2021

Respectfully submitted,

LOWENSTEIN SANDLER LLP

By: s/ Matthew M. Oliver

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